

IN THE MATTER OF
THE APPLICATION OF
CRAIG WHITCRAFT, ET AL
FOR A ZONING RECLASSIFICATION
FROM R.O. TO B.M. ON
PROPERTY LOCATED ON THE
NORTH EAST SIDE REISTERSTOWN
ROAD, OPPOSITE BERRYMAN'S LANE
(#605 MAIN STREET)
4TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. R-95-136
* Item #1, CYCLE IV
* 1994

* * * * *

ORDER OF DISMISSAL

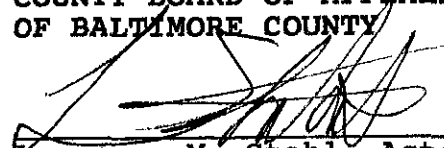
Petition for Reclassification filed by Michael Paul Smith, Esquire, on behalf of Craig C. and Mary C. Whitcraft, for a zoning reclassification from R.O. to B.M. on property located on the northeast side Reisterstown Road, opposite Berryman's Lane (#605 Main Street) in the Fourth Election District of Baltimore County.

The Board convened on November 29, 1995, as scheduled for hearing of this matter. Michael Paul Smith, Esquire, appeared on behalf of Petitioner. Carole S. Demilio, Deputy People's Counsel for Baltimore County, participated in these proceedings. Also present was Peter Max Zimmerman, People's Counsel.

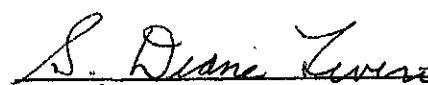
At the outset of the hearing, and on the record, Counsel for Petitioner requested that the Petition filed herein be withdrawn. The Board will therefore grant said request to withdraw the instant Petition and issue an Order of Dismissal.

IT IS THEREFORE ORDERED this 14th day of December, 1995 by the County Board of Appeals of Baltimore County that said Petition be and the same is hereby WITHDRAWN AND DISMISSED without prejudice.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Lawrence M. Stahl, Acting Chairman


Margaret Worrall


S. Diane Levero



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

December 14, 1995

Michael Paul Smith, Esquire
BODIE, NAGLE, DOLINA,
SMITH & HOBBS, P.A.
21 W. Susquehanna Avenue
Towson, MD 21204

RE: Case No. R-95-136
Craig Whitcraft, et al

Dear Mr. Smith:

Enclosed please find a copy of the Order of Dismissal
issued this date by the County Board of Appeals of Baltimore County
in the subject matter.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrative Assistant

encl

cc: Craig C. Whitcraft and
Mary C. Whitcraft
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr.
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



R-95-136



Petition for Reclassification to the Board of Appeals of Baltimore County for the property located at 605 Main Street, Reisterstown, Maryland

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the

Zoning Law of Baltimore County, from an RO zone to an BM zone, for the reasons given in the attached statement; and (2) for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Regulations of Baltimore County:

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

MSK
OK to file
8/29/94

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s):

Craig C. Whitcraft
(Type or Print Name)

Craig C. Whitcraft
Signature

Mary C. Whitcraft
(Type or Print Name)

Mary C. Whitcraft
Signature

Attorney for Petitioner:

Michael Paul Smith
(Type or Print Name)

Michael Paul Smith
Signature

21 W. Susquehanna Avenue
Address Phone No.

Towson, MD 21204 833-1221
City State Zipcode

536 Main Street
Address Phone No.

Reisterstown, MD 21136
City State Zipcode

City Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Michael Paul Smith
Name

21 W. Susquehanna Avenue, Towson, MD 21204
Address Phone No. 833-1221

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

94 AUG 29 PM 3:36

RECEIVED
COUNTY BOARD OF APPEALS



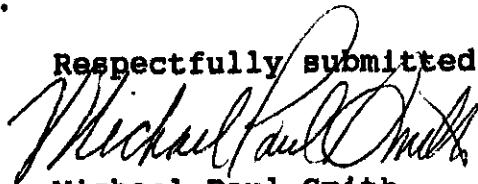
Craig C. Whitcraft and Mary C. Whitcraft, petitions for reclassification of their property known as 605 Main Street, Reisterstown, Maryland 21136 and in support thereof states as follows:

1. The property is located on Reisterstown Road.
2. To the west of the Whitcraft property and fronting Reisterstown Road is a "Mobil Service Station." The zoning for said property is BM with a special exception for automobile service station. The owner of said property is Stewart, Ensor, and Smith Company. Attached hereto and incorporated herein by reference is a letter from the property owner not opposing the petition for reclassification.
3. To the northeast of the Mobil station and to the west of the Whitcraft property is an additional property again owned by Stewart, Ensor, and Smith Company, fronting Chartley Boulevard which is zoned BM and subject to a special exception.
4. Immediately adjacent to the Whitcraft property to the east and fronting Reisterstown Road is "The Canopy Restaurant." Said property is zoned BL. It is owned by the MRO Mid-Atlantic Corporation. Petitioners are in the process of contacting same in an effort to determine their position with respect to this petition.
5. Immediately to the southwest and across from Reisterstown Road is a "Crown" gasoline station. The zoning for said property is BR and is subject to a special exception.
6. Immediately across from the "Mobil Service Station" is a "7-11" which is zoned BR and subject to a special exception.

7. The properties fronting Reisterstown Road and connecting to the Whitcraft property are all zoned BL through BR. The Whitcraft property is zoned RO. Your petitioner contends that such zoning is "a mistake."

WHEREFORE, your petitioner respectfully requests to be granted a reclassification from RO to BM.

Respectfully submitted,



Michael Paul Smith
Bodie, Nagle, Dolina,
Smith & Hobbs, PA
21 West Susquehanna Avenue
Towson, MD 21204
833-1221
Attorney for Petitioner

• R-95-136

A. L. Snyder
Surveyor, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074

(410) 239-7744

Description

(410) 374-9695

To Accompany Zoning Petition

#605 Main Street

Beginning for the same on the northeast side of
Reisterstown Road (Main Street) 225 feet southeast
of the centerline of Chartley Drive, thence

- 1.) N 45° 33' 35" E 331.00 feet,
- 2.) S 43° 40' 25" E 173.25 feet,
- 3.) S 45° 46' 30" W 329.73 feet, and thence
- 4.) N 44° 05' 25" W 172.00 feet to the place of

beginning.

Containing 1.309 Acres of land, more or less.

Being the same lot which was conveyed by 605 East Main Street Partnership to
Craig C. Whitcraft and Mary C. Whitcraft, his wife, by deed dated December 20,
1993 and recorded among the Land Records of Baltimore County, Maryland in Liber
S.M. 10246 folio 590 etc., and being also known as No. 605 Main Street, Reisterstown
Fourth Election District, Baltimore County, Maryland.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

P-916-136

District 11th Date of Posting 2/17/95

Posted for: Reclassification

Petitioner: Craig & Mary Whitcraft

Location of property: 605 Main St, NE/S

Location of Signs: Facing road, on property being zoned

Remarks: _____

Posted by M. H. H. H. Date of return: 2/24/95
Signature

Number of Signs: 1



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number

ITEM #1, CYCLE IV (MJK)
CASE #R-95-136

8/29/94

#072 - RECLASSIFICATION PETITION ----- \$500.00

#080 - SIGN POSTING ----- 35.00

TOTAL ----- \$535.00

Craig C. Whitcraft & Mary C. Whitcraft
605 Main Street
Zoning: R.O.
District: 4c3
Acres: 1.309 +/-
Attorney: Michael Smith

PAID BY RECEIPT (SMALL)
#150410

Please Make Checks Payable To: Baltimore County

Cashier Validation

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
"SCCELLANEOUS CASH RECEIPT"

#1

No. 150410

DATE 8-29-94

ACCOUNT 001-6181

AMOUNT \$ 535.00

RECEIVED FROM:

Owner - Craig C. Whitcraft
#072 - Reclass Petition
#080 - Sign Posting

FOR:

605 Main Street

R.O. 07A0340021MICRC

\$535.00

VALIDATION OR SIGNATURE OF CASHIER

DATE: 8-29-94
BY: [Signature]
CASHIER: [Signature]
PINK AGENCY: [Signature]
YELLOW: CUSTOMER



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

November 14, 1994

NOTICE OF HEARING

CASE NUMBER: R-95-136

605 Main Street

NE/S Reistertown Road, opposite Berryman's Lane

4th Election District - 3rd Councilmanic District

Legal Owner: Craig C. Whitcraft & Mary C. Whitcraft

HEARING: WEDNESDAY, MARCH 8, 1995 @ 10:00 ROOM 48, County Board of Appeals
Hearing Room, 400 Washington Avenue Towson, MD

Petition to change zoning classification from R.O. to B.M.

A handwritten signature in cursive script that reads "William T. Hackett".

WILLIAM T. HACKETT, CHAIRMAN
COUNTY BOARD OF APPEALS

cc: Craig C. Whitcraft
Michael Paul Smith





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

August 1, 1995

NOTICE OF POSTPONEMENT & REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. R-95-136

CRAIG WHITCRAFT, ET AL
NE/s Reisterstown Road, opposite
Berrymans Lane (#605 Main Street)
4th E; 3rd C

8/29/94 -Petition for Reclassification
filed by Petitioner for reclassification
from R.O. to B.M.

3/08/95 -Opened and continued on the
record by CBA.

which was scheduled for hearing before the Board on September 6, 1995 has been POSTPONED at the request of Counsel for Petitioner due to CSA conflict; and has been

REASSIGNED FOR: WEDNESDAY, NOVEMBER 29, 1995 at 10 a.m.

cc: Michael Paul Smith, Esquire Counsel for Petitioners
Craig C. Whitcraft and
Mary C. Whitcraft

Petitioners

A.L. Snyder Surveyor, Inc.

James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr.
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Weidenhammer
Administrative Assistant



Thomas G. Bodie
John J. Nagle III
Thomas J. Dolina
Chester H. Hobbs IV *
Winslow Bouscaren Flynn *
Michael Paul Smith
Martha E. Brune
Kelly A. Koerner
Of Counsel:
C. Arthur Eby, Jr.
Margaret E. Swain
Wallace Dann
Robert M. Stahl IV **

**BODIE, NAGLE, DOLINA,
SMITH & HOBBS**

A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
143 Main Street
Reisterstown, MD 21136
(410) 833-1221
Fax: (410) 833-0026

Martin J. Smith
(1938-1992)

Towson Office:
21 W. Susquehanna Avenue
Towson, MD 21204-5279
(410) 823-1250
Fax: (410) 296-0432

Harford County Office:
112 W. Pennsylvania Ave., Suite 103
Bel Air, MD 21014
(410) 836-8943
Fax: (410) 893-9701

July 21, 1995

* Also Admitted in DC
** Also Admitted in PA

Kathleen Weidenhammer, Administrative Assistant
County Board of Appeals
Old Courthouse, Room 49
400 Washington Road
Towson, MD 21204

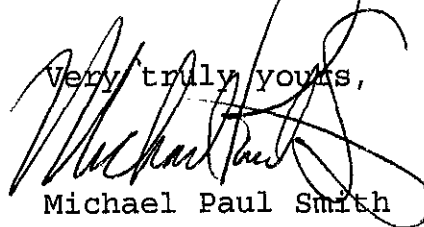
RE: Case No. R-95-136, Craig Whitcraft, et al

Dear Ms. Weidenhammer:

I hereby request a brief postponement of the September 6, 1995 hearing in the above-referenced matter as I will be arguing a case before the Court of Special Appeals on that date in Maryland National Bank v. Wood (see attached notice). Thank you for your cooperation in this matter.

If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,



Michael Paul Smith

MPS:sls
Enclosure
cc: Mr. and Mrs. Craig Whitcraft

95 JUL 24 PM 4:15
COUNTY BOARD OF APPEALS
RECEIVED

To 11/29/95 @ 10:00 am



LESLIE D. GRADET
CLERK

Court of Special Appeals
Courts of Appeal Building
Annapolis, Md. 21401-1699

(410) 974-3646
WASHINGTON AREA (301) 261-2920

KATHARINE M. KNIGHT
CHIEF DEPUTY

MICHAEL PAUL SMITH ESQUIRE
143 MAIN ST
REISTERSTOWN MD 21136

Notice Date 7/20/95

Re: MARYLAND NATIONAL V. WOOD

No. 1886, September Term, 1994

Dear Counsel:

Argument in the above-referenced case has been set for
9/06/95, in Courtroom 1. Please report to this office
no later than 9:00 a.m. on that date.

Very truly yours,

LESLIE D. GRADET
CLERK

RECEIVED
COURT CLERK'S OFFICE
95 JUL 24 PM 4:15

3/08/95 - Hearing convened on scheduled /advertised date of 3/08/95; both sides requested continuance (M. Smith, Esquire, on behalf of Petitioners; and C. Demilio, Deputy People's Counsel); granted on record by H & K; to be rescheduled for hearing.

6/05/95 -Letter from Michael Paul Smith requesting that this matter be scheduled for hearing.

6/09/95 -Notice of Assignment sent to following; case scheduled for hearing on Wednesday, September 6, 1995 at 10:00 a.m.

7/24/95 -Letter from M. Smith, Counsel for Petitioner; requesting postponement of 9/06/95 date; scheduled in Court of Special Appeals.

8/01/95 -Notice of PP and Reassignment sent to parties; matter rescheduled for hearing on Wednesday, November 29, 1995 at 10:00 a.m.

11/28/95 -T/C from Counsel for Petitioners. Will appear at scheduled hearing time on 11/29/95; however, does not intend to proceed with this reclass request; will either request continuance or withdraw petition on the record; if withdrawn, asks that petition be dismissed without prejudice; has spoken with Office of PC.

11/29/95 -Hearing convened by the Board. Petition withdrawn by Counsel for Petitioner on the record. Order of Dismissal to be issued by the Board.

CRAIG C. WHITCRAFT AND
MARY C. WHITCRAFT
NE/s Reisterstown Road, opposite
Berrymans Lane (#605 Main Street)

R-95-136
Item #1, Cycle IV, 1994
4th Election District
3rd Councilmanic District

From R.O. to B.M.
1.309 acres +/-

August 29, 1994

Petition for Reclassification filed by Michael
Paul Smith, Esquire, on behalf of Craig C. and
Mary C. Whitcraft, Petitioners.

* Michael Paul Smith, Esquire
BODIE, NAGLE, DOLINA,
SMITH & HOBBS, P.A.
21 W. Susquehanna Avenue
Towson, MD 21204

Counsel for Petitioners

Craig C. and Mary C. Whitcraft
536 Main Street
Reisterstown, MD 21136

Petitioners

A. L. SNYDER SURVEYOR, INC.
1911 Hanover Pike
Hampstead, MD 21074

James Earl Kraft
Baltimore County Board of Education
Mail Stop 1102-J

People's Counsel for
Baltimore County

Pat Keller
Jeffrey Long
Lawrence E. Schmidt
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 2, 1995

Michael Paul Smith, Esquire
21 W. Susquehanna Avenue
Towson, Maryland 21204

RE: Item No. 1
Case No. R-95-136
Petitioner: Craig Whitcraft, et al
Reclassification Petition

Dear Mr. Smith:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the October, 1994 - April, 1995 reclassification cycle (Cycle IV,). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Advisory Committee (ZAC). The enclosed comments from the committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments and revision fee to this office as soon as possible. After the first public newspaper advertisement (April 16th - May 31st) or (October 16th - November 30th), the petition (including any documentation relating to the proposed use) may only be amended in an open hearing before the Board of Appeals. If the submitted site plan does not indicate a proposed use at this time, the comments from this committee are general in nature.

If you have any questions concerning the enclosed comments, please contact the zoning office at 887-3391 or the commenting agency.

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. CARL RICHARDS, JR.
Zoning Supervisor

WCR:jaw
Enclosures





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer

Secretary

Hal Kassoff

Administrator

10-21-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County

Item No.: #1, CYCLE IV

CASE NO: R-95-136

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/26/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: RECALLIFICATION AND REDISTRICTING PETITIONS
WORK COPY 10/14/94. CUCLE IV OCT. 1994- APR. 1995

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 1, 2, 3, 4 AND 5.

RECEIVED
OCT 28 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: October 31, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for Zoning Reclassification Cycle IV
October 1994 -April 1995

The Developers Engineering Section has reviewed the subject zoning items and we have no comments for Item 5.

For Item 1 see Developers Engineering Section file titled "Chartley Buildings - #605 Reisterstown Road" for approved County Review Group Plan and comments dated 3-14-91 for this site.

For Item 2 show a 10-foot revertible slope easement along the future 60-foot right-of-way for Timber Grove Road and along the Glynwings Drive 70-foot right-of-way. For additional information see the Developers Engineering Section's file titled "St. Georges Industrial Park Addition."

For Item 3, this site is subject to the Baltimore County Development Regulations for a residential development.

For Item 4, per the recorded Spring Hill (53/96) record plat there is an existing County drainage and utility easement, 10 feet wide, running the length of the west property line of 3814 East Joppa Road. Also, there is no existing easement for ingress or egress shown on the recorded plat of the Spring Hill subdivision for this property.

RWB:s

Thomas G. Bodie
John J. Nagle III
Thomas J. Dolina
Chester H. Hobbs IV *
Winslow Bouscaren Flynn *
Michael Paul Smith
Martha E. Brune

Of Counsel:

C. Arthur Eby, Jr.
Margaret E. Swain
Wallace Dann
Robert M. Stahl IV **

* Also Admitted in DC
** Also Admitted in PA

**BODIE, NAGLE, DOLINA,
SMITH & HOBBS**

A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
143 Main Street
Reisterstown, MD 21136
(410) 833-1221
Fax: (410) 833-0026

May 31, 1995

Martin J. Smith
(1938-1992)

Towson Office:
21 W. Susquehanna Avenue
Towson, MD 21204-5279
(410) 823-1250
Fax: (410) 296-0432

Harford County Office:
112 W. Pennsylvania Ave., Suite 103
Bel Air, MD 21014
(410) 836-8943
Fax: (410) 893-9701

Robert O. Schuetz, Chairman
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

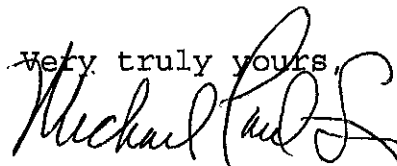
Re: Case No. R-95-136
Petitioner: Craig Whitcraft, et al.
Reclassification Petition

Dear Sir:

On March 8, 1995 at 10:00 a.m. a hearing was held before the Board and a Request for Postponement was requested and granted. Prior to March 8th in accordance with Baltimore County Procedures, advertisement was made and sign posted regarding the above referenced case number. I write to request at this time that this matter be set back in for hearing on the Whitcraft's Petition for Reclassification Cycle IV-95. Thank you for your cooperation in this matter.

If you need any additional information or have any questions, please contact me immediately.

Very truly yours,



Michael Paul Smith

MPS:js

cc: Craig & Mary Whitcraft

9/06

95 JUN -5 PM 2:02
BALTIMORE COUNTY BOARD OF APPEALS



*Steuart
Ensor and
Smith
Company*

R-95-136

REALTORS

143 MAIN STREET • REISTERSTOWN • MARYLAND • 21136 • • TELEPHONE 833-3600

August 25, 1994

Board of Appeals for Baltimore County
111 West Chesapeake Avenue
Towson, MD 21204

Gentlemen:

Please be advised that I am president of Steuart, Ensor, and Smith Company. Our corporation owns two properties immediately adjacent to 605 Main Street, Reisterstown, Maryland. They are currently zoned "BM." I have been approached by counsel for Craig and Mary Whitcraft with regard to our position on their request for reclassification from RO to BM. On behalf of Steuart, Ensor, and Smith Company we do not oppose said request. In fact, we welcome Mr. and Mrs. Whitcraft's interest in said property. The Whitcrafts have for many years serviced area residents in a fine manner through "Whitcraft Transmissions." Should you need any additional information, please do not hesitate to contact me.

Very truly yours,

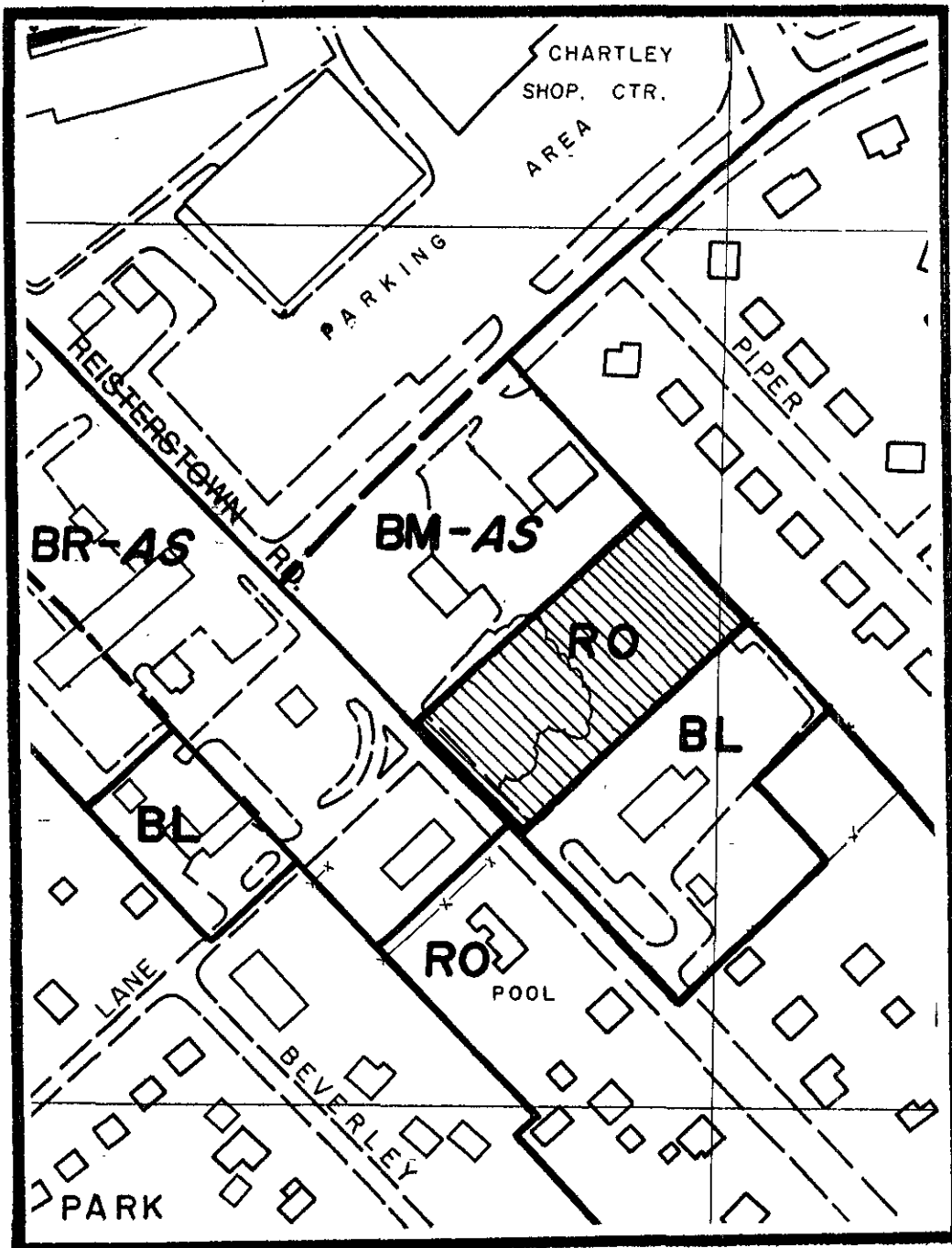
Shirley W. Smith

Shirley W. Smith, President
Steuart, Ensor, and Smith Co.



MEMBER — GREATER BALTIMORE BOARD OF REALTORS
MEMBER — CENTRAL MARYLAND MULTIPLE LISTING SERVICE, INC.





ITEM NUMBER 1
Location of Property Under Petition

Scale: 1" = 200'

PETITIONER:

Craig C. Whitcraft & Mary C. Whitcraft

REQUESTED ACTION:

Reclassification to B.M. (Business Major)

EXISTING ZONING:

R.O. (Residence/Office)

LOCATION:

Northeast side of Reisterstown Road, opposite Berrymans Lane
(605 Main Street)

AREA OF SITE:

1.3 acres

ZONING OF ADJACENT PROPERTY/USE:

North: B.M.-A.S. - Service Station (Mobil)
South: B.L. - Restaurant ("The Canopy")
East: D.R. 3.5 - Single-family, detached dwelling
West: B.R.-A.S. - Service Station (Crown)

SITE DESCRIPTION:

This currently unimproved site is mostly wooded.

PROPERTIES IN THE VICINITY:

The parcel is located within an area of mixed uses and zoning. Single-family detached houses are located immediately adjacent to the rear lot line of the subject site. Improved commercial properties abut the parcel to each side and the frontage along Reisterstown Road.

WATER AND SEWERAGE:

The area is served by public water and sewer, and is designated as W-1, S-1 (existing service area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The site has direct access to Reisterstown Road, which is the main arterial running north and south with access to I-695, I-795, Westminster Pike and Owings Mills Boulevard.

ZONING HISTORY:

In 1971 the site was split zoned D.R. 16 and D.R. 3.5, with the D.R. 16 situated toward Reisterstown Road and the D.R. 3.5 located to the rear of the property. The front half of the applicant's site was rezoned from D.R. 16 to R.O. by the County Council in 1980 (see Issue No. 3-148).

Upon the owner's request, the County Council rezoned the rear portion of the property from D.R. 3.5 to R.O. in 1984 (see Issue No. 3-210).

A requested Special Exception for a Class "B" Office Building was granted by the Zoning Commissioner on October 17, 1985, however, no construction has taken place.

MASTER PLAN/COMMUNITY PLANS:

The Baltimore County Master Plan advocated for the study of the Reisterstown Road corridor to be updated, centering on various segments of the road, including the north-central Reisterstown Road area (from Greenspring Valley Road north to Reisterstown).

The Growth Management Area Map indicates the applicant's site is located within a Community Conservation Area. The Baltimore County Growth Management Program Guidelines for the 1992 Comprehensive Zoning Map Process, which were adopted by the Baltimore County Planning Board and approved by the Baltimore County Council on January 23, 1992, state the following:

- The viability of existing commercial nodes and corridors in Community Conservation Areas is best enhanced by maximizing the use of existing commercial zoning. Granting additional business zoning, especially along major roadways, can drain existing business areas. Intrusions of nonresidential zoning can destabilize existing neighborhoods and set up a domino effect of encouraging adjacent property owners to seek additional business zoning.

PROPOSED VS. EXISTING ZONING:

Section 233.1 outlines the provisions of the B.M. zone. The B.M. zone permits a wide range of uses in addition to those permitted in the B.L. zone. Density is regulated by a floor area ratio of 4.0. Density is realistically limited by parking requirements, as well as economic and environmental constraints. Building height is limited by the height tent regulations. Setbacks include front yards not less than 15 feet from the property line and not less than 40 feet from the centerline of any street. (See Section 303.2 for front yard average).

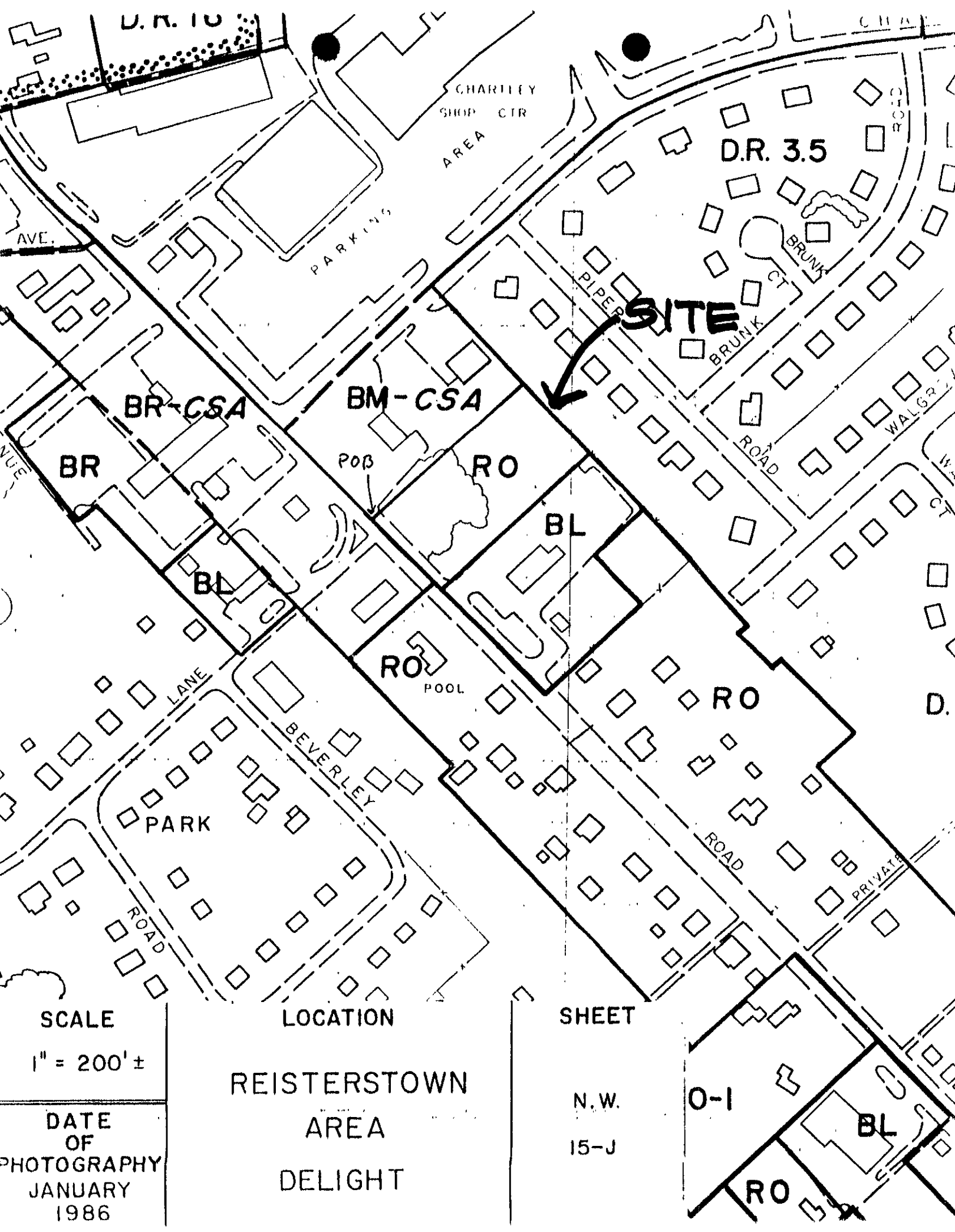
No side yard setback is required on interior lots, except in cases where the lot abuts a lot in a residential zone. The side yard may be no less than the setback required for a dwelling or the abutting lot - a 10 foot setback is required when a lot abuts a corner lot. No rear setback is required, except where a rear lot line abuts a lot in a residential zone.

Regulations governing R.O. zoning may be found in Section 203 of the Baltimore County Zoning Regulations. The R.O. zone was created to accommodate houses converted to office buildings (Class A) and office buildings (Class B) in predominately residential areas or sites adjacent to commercial activity, heavy traffic, or other similar factors which can no longer be restricted solely to residential uses. Buildings and uses in R.O. zones should be compatible with nearby residential properties.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

Based upon the information provided and analysis conducted, staff recommends that the applicant's request be denied for the following reasons:

- The proximity of single-family, detached dwellings to the rear lot line of the subject property indicates that the application of B.M. zoning could result in the ultimate development of an incompatible land use.
- The subject request is inconsistent with the Master Plan.



SCALE

1" = 200' ±

DATE OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

REISTERSTOWN
AREA
DELIGHT

SHEET

N.W.
15-J

O-1

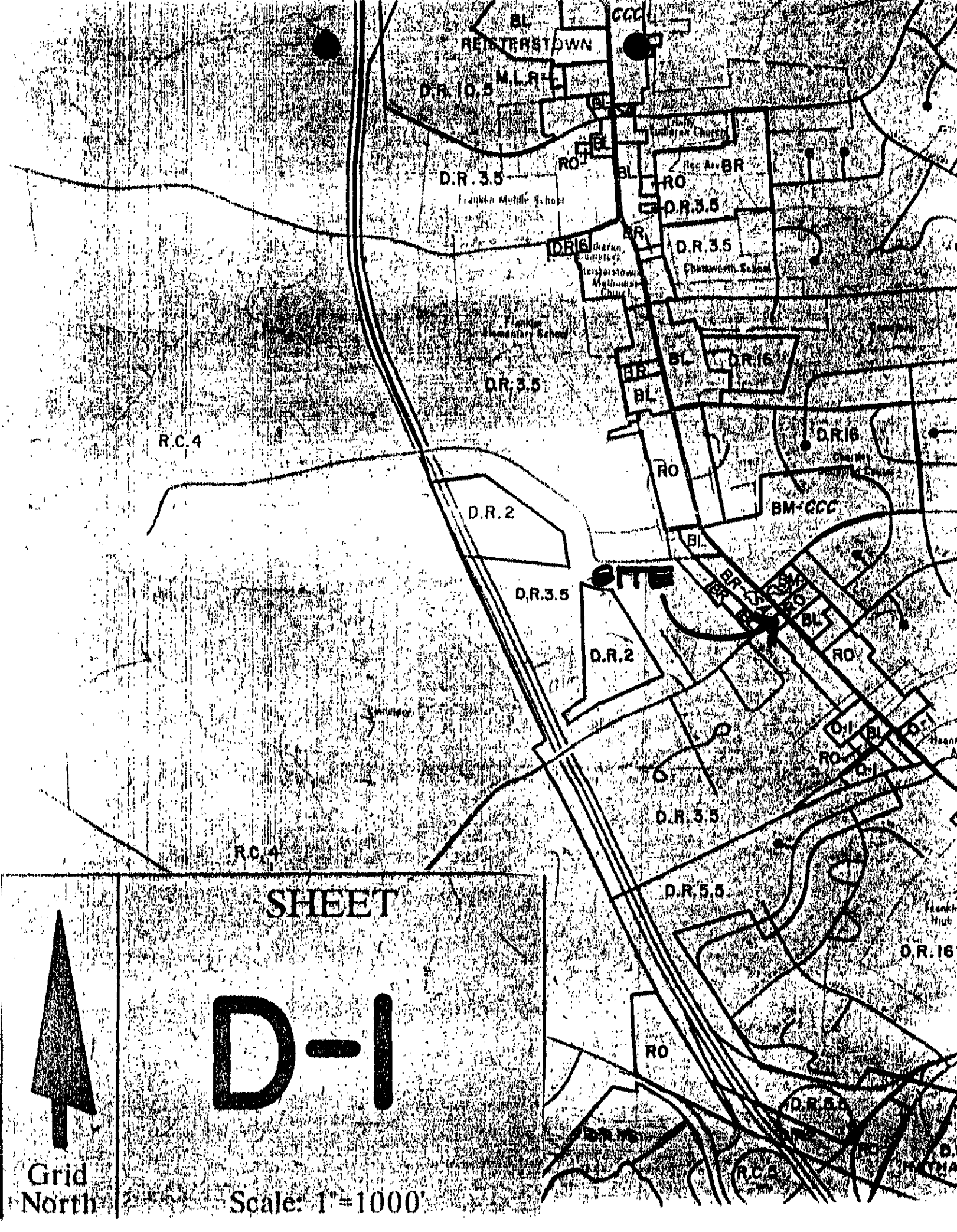
BL

RO

R 95-136
605 Main St

STIE.





REISTERSTOWN

D.R. 10.5 M.L.R.

D.R. 3.5

Franklin Middle School

D.R. 16

Trinity Lutheran Church

St. Ignace Church

Franklin Elementary School

D.R. 3.5

R.C. 4

D.R. 2

D.R. 3.5

SITE

D.R. 2

R.C. 4

SHEET

D-1



Grid North

Scale: 1"=1000'

D.R. 3.5

D.R. 5.5

R.O.

D.R. 16

D.R. 3.5

R.C. 4

D.R. 16

NOTE TO BOARD:

ZADM file rec'd 3/7/95 did not contain all material that CBA file had, namely:

- Two-page attachment to Petition from Bodie
- 200' scale zoning map (8½ x 11 portion)
- 1000' scale zoning map (8½ by 11 portion)

(confirmed by Charlotte's T/C to Gwen Stephens
3/7/95)

RE: PETITION FOR RECLASSIFICATION
NE/S Reisterstown Road,
opposite Berrymans Lane
(605 Main Street)
4th Election District
3rd Councilmanic District

Craig C. and Mary C. Whitcraft
Petitioners

* BEFORE THE
* BOARD OF APPEALS
* OF BALTIMORE COUNTY
* Case No. R-95-136
*

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of November, 1994, a copy of the foregoing Entry of Appearance was mailed to Michael Paul Smith, Esquire, 21 W. Susquehanna Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

VICINITY MAP: 11-10001

R-95-136

UNDOCUMENTED
PLANTO ACCOMPANY
RECLASSIFICATION PETITION
605 MAIN STREET

4TH ELECTION DISTRICT
3 RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD.
DATE: AUGUST 08, 1994
SCALE: 1" = 50'
OWNER/APPLICANT : CRAIG C. WHITCRAFT & MARY C. WHITCRAFT

OWNER/APPLICANT: CRAIG C. WHITCRAFT & MARY C. WHITCRAFT
536 MAIN STREET
REISTERSTOWN, MARYLAND 21136

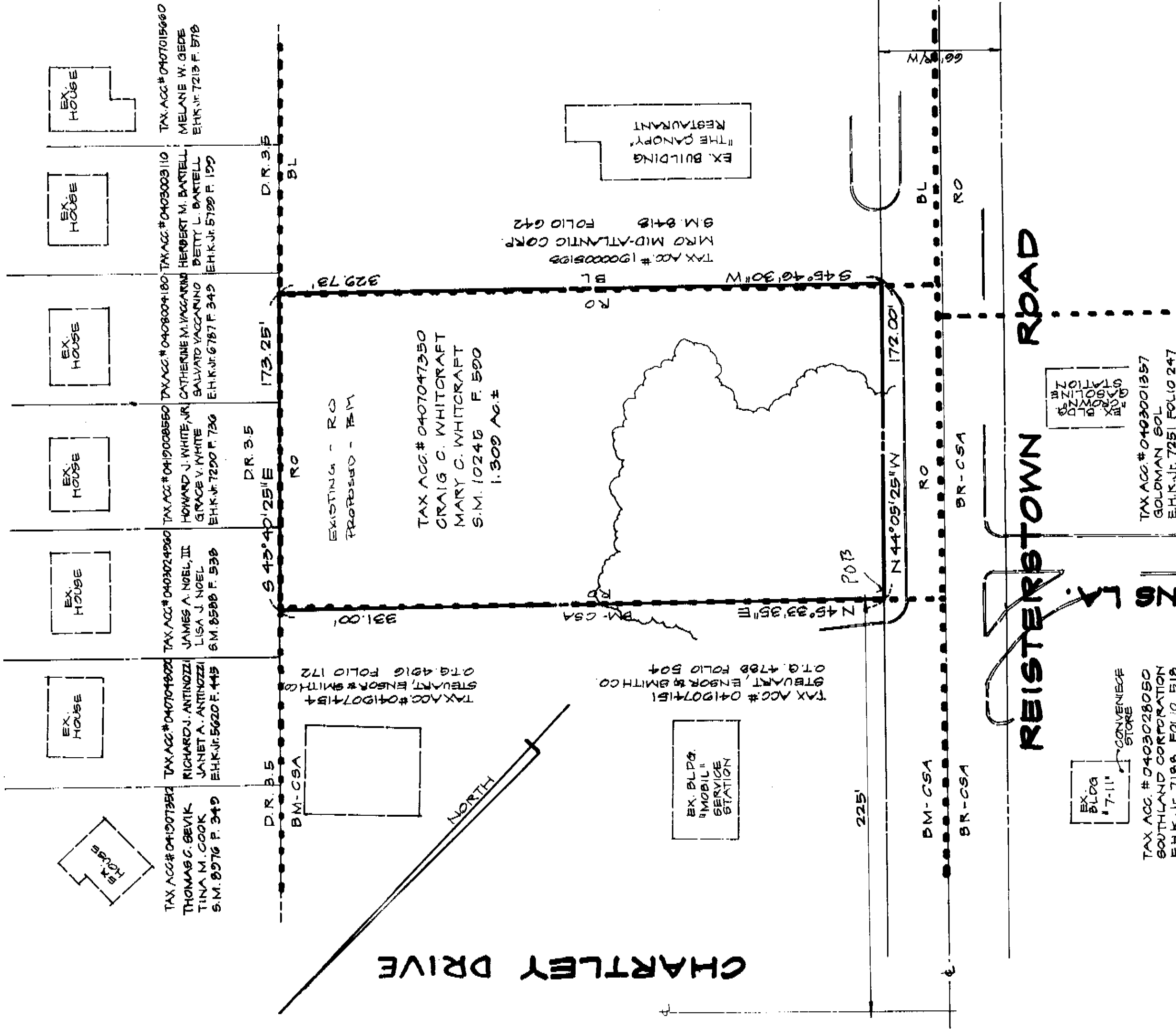
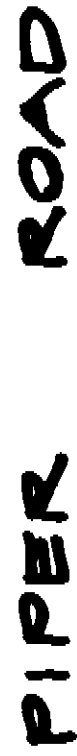
- 2.) SITE IS NOT IN A 100 YEAR FLOOD PLAIN.
- 3.) SITE IS NOT WITHIN A MORITURIUM AREA, OR BASIC SERVICE DEFICIENT AREA.

PREPARED BY:
A.L.SNYDER

SURVEYOR, INC.
1911 HANOVER PIKE
HAMPSTEAD, MD. 21074
410-239-7744



JOB NO. 94047



CHARTLEY DRIVE

REISTERSTOWN ROAD

BERKTMANS L.A.